

# Exhibit “1”

IN THE COURT OF COMMON PLEAS  
JEFFERSON COUNTY, OHIO

FILED  
COMMON PLEAS COURT

2019 JUN 24 A 10:21

JOHN A. CORRIGAN  
CLERK OF COURTS  
JEFFERSON COUNTY OH

AARON PARKER  
163 Mossy Oak Drive  
Linn, WV 26348

Plaintiff,

v.

CURTIS HARTLEY  
593 Mapletown Road  
Garards Fort, PA 15334

PATTERSON – UTI DRILLING  
COMPANY, LLC  
67090 Executive Drive  
St. Clairsville, OH 43950

ASCENT RESOURCES – UTICA, LLC  
c/o Capitol Corporate Services, Inc.  
4568 Mayfield Road, Suite 204  
Cleveland, OH 44121

Defendants.

CIVIL ACTION NO. 19CV00263  
Judge: *Joseph J. Bruggie Jr.*

**COMPLAINT**

NOW COMES the Plaintiff, Aaron Parker, by counsel, Travis Mohler and Kala Sowers,  
who, for his COMPLAINT avers and alleges as follows:

**Jurisdiction and Venue**

1. At all times relevant hereto, Aaron Parker was a resident of Linn, West Virginia.
2. The incident that gives rise to this Civil Action occurred on or about July 6, 2017, on a natural gas well pad in Steubenville, Jefferson County, Ohio.

3. At all times relevant hereto, Defendant Patterson – UTI Drilling Company, LLC was incorporated in the State of Texas and maintained its principal place of business in Houston, Texas.
4. Upon information and belief Defendant Patterson – UTI Drilling Company, LLC does business within Jefferson County, Ohio.
5. At all times relevant hereto, Defendant Ascent Resources – Utica, LLC was incorporated in the state of Oklahoma and maintained its principal place of business in Oklahoma City, Oklahoma.
6. Upon information and belief Defendant Ascent Resources – Utica, LLC does business within Jefferson County, Ohio.
7. Upon information and belief, the Defendant, Curtis Hartley, is a resident of Garards Fort, Pennsylvania and his actions or omissions giving rise to this civil action took place in Jefferson County, Ohio where he was working for defendant Patterson – UTI Drilling Company, LLC.
8. In light of the foregoing, The Court of Common Pleas of Jefferson County, Ohio has appropriate jurisdiction and venue over this Civil Action.

#### **General Allegations**

9. Allegations one (1) through ten (8) are hereby incorporated as though fully rewritten herein and Plaintiff further alleges:
10. On or about July 6, 2017, Aaron Parker was working for iLease Rentals, driving a truck with a gooseneck trailer that was loaded with sections of pipe which Aaron Parker was delivering to a natural gas well pad in Steubenville, Jefferson County, Ohio. The subject

natural gas well pad was operated by Defendant Ascent Resources-Utica, LLC (hereinafter, “Ascent Resources”).

11. Defendant Ascent Resources engaged a subcontractor, Defendant Patterson – UTI Drilling Company, LLC (hereinafter “Patterson”), to perform work on the well pad.

12. On or about July 6, 2017, Curtis Hartley, an employee of Defendant Patterson, was operating a forklift, and was removing sections of pipe from the subject gooseneck trailer.

13. While attempting to remove a piece of pipe from the trailer, Defendant Curtis Hartley, while operating in the course and scope of his employment with Defendant Patterson and at the direction of Defendant Patterson and Defendant Ascent Resources negligently and recklessly operated the subject forklift, causing a piece of pipe to fall from the trailer and strike Aaron Parker’s hand, injuring his fourth digit and crushing his fifth digit on his right hand. The fifth digit on Mr. Parker’s right hand was ultimately partially amputated as a result of this injury, leaving Mr. Parker with significant and life altering residual pain.

#### **COUNT I- NEGLIGENCE AS TO CURTIS HARTLEY**

14. Allegations one (1) through fifteen (13) are hereby incorporated as though fully rewritten herein and Plaintiff further alleges:

15. Defendant Curtis Hartley was an active participant in the event that injured Aaron Parker and as such, he owed a duty of care to Aaron Parker to safely and securely operate equipment on the jobsite and to load, unload, and transport cargo in a reasonably safe manner.

16. Defendant Curtis Hartley breached his duty to Aaron Parker by negligently and recklessly operating the subject forklift on the date in question and by acting negligently and recklessly in the unloading of cargo on the date in question.

17. As a direct and proximate result of Defendant Curtis Hartley's negligence and recklessness, a large piece of pipe fell from a trailer and struck Aaron Parker's right hand causing him severe and serious injuries as well as ongoing residual nerve pain.

**COUNT II – VICARIOUS LIABILITY – DEFENDANT PATTERSON**

18. Allegations one (1) through (17) are hereby incorporated as though fully rewritten herein and Plaintiff further alleges:

19. At all relevant times, Defendant Curtis Hartley was employed by, and was an agent, servant, and/or employee of Defendant Patterson.

20. The above-described negligent and reckless acts of Defendant Hartley were committed within the course and scope of his employment and/or agency with Defendant Patterson.

21. As the master, principal, and/or employer of Defendant Hartley, Defendant Patterson is vicariously liable for the above-described acts of Defendant Hartley and all damages that flow therefrom.

**COUNT III- NEGLIGENCE – DEFENDANT PATTERSON**

22. Allegations one (1) through twenty-one (21) are hereby incorporated as though fully rewritten herein and Plaintiff further alleges:

23. Upon information and belief, Defendant Patterson was hired by Defendant Ascent Resources to perform natural gas drilling activities on its well pad located in Jefferson County, Ohio outside of Steubenville.

24. As is described above, an employee of Defendant Patterson negligently and recklessly injured Aaron Parker while performing work on the well pad; namely, removing piping from the trailer Mr. Parker had hauled to the well pad.

25. Defendant Patterson owed a duty to exercise ordinary and reasonable care in the performance of its job duties while performing work on the Ascent Resources well pad.

26. Moreover, Defendant Patterson directed the activity which resulted in injury to the Plaintiff, Aaron Parker, and/or gave permission for the actions of Curtis Hartley that led to Aaron Parker's injury.

27. Defendant Patterson by its active participation in the critical acts that led to Aaron Parker's injury, owed a duty of care to the Plaintiff Aaron Parker.

28. On or about July 6, 2017, Defendant Patterson through its agent, servant, and/or employee, Curtis Hartley, breached its duty to Aaron Parker by directing Defendant Curtis Hartley to engage in acts that were negligent, reckless, and careless, and that led to Aaron Parker's injury.

29. As a direct and proximate result of Defendant Patterson's negligence, carelessness, and recklessness, Plaintiff Aaron Parker was seriously injured and ultimately required a partial amputation of his right fifth digit resulting in significant and life altering residual pain.

#### **COUNT IV- NEGLIGENCE – DEFENDANT ASCENT RESOURCES**

30. Allegations one (1) through twenty-nine (29) are hereby incorporated as though fully rewritten herein and Plaintiff further alleges:

31. Upon information and belief, Defendant Ascent Resources was the landowner and/or general contractor of the well pad where the above-described actions and/or omissions took place.
32. At all relevant times, Defendant Ascent Resources actively participated in the work being done on its well pad.
33. Defendant Ascent Resources directed and/or exercised control over the work activities of the contractors' employees at its worksite and retained and/or exercised control over critical variables in the workplace related to the work done at the worksite.
34. Defendant Ascent Resources directed the activity which resulted in injury to Aaron Parker and/or gave permission for the actions that led to Aaron Parker's injury.
35. Defendant Ascent Resources, by its active participation owed a duty of care to Aaron Parker.
36. Through its active participation, Defendant Ascent Resources breached its duties owed to Aaron Parker when Defendant Hartley negligently and recklessly caused heavy casing pipes to come unsecured from a flatbed trailer striking Aaron Parker and by otherwise failing to maintain a safe workplace.
37. As a direct and proximate result of Defendant Ascent Resources negligence, carelessness, and recklessness, Plaintiff Aaron Parker was seriously injured and ultimately required a partial amputation of his right fifth digit resulting in significant and life altering residual pain.

**WHEREFORE**, the Plaintiff, Aaron Parker, requests relief from the Defendants as follows:

- a. Compensatory damages for past and future pain, suffering, sorrow, emotional distress, mental anguish and inconvenience, loss of enjoyment of life, past and future medical expenses, past and future lost income and loss of earning capacity, expenses and attorney's fees, and other such damages in an amount to be determined by the Jury upon proper proof presented at trial;
- b. Pre-judgment and post-judgment interest;
- c. Such other general and specific relief as may be shown by the evidence in this case.

**A TRIAL BY JURY IS DEMANDED ON ALL ISSUES.**

**AARON PARKER,**  
**Plaintiff**

**By Counsel:**



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